

Property tax appeals  
(HB 1814 by Hilbert/Henderson)

DIGEST: HB 1814 would have amended sec. 42.21 of the Texas Tax Code to provide that a property tax appeal initiated by a timely filed petition for review would constitute a timely notice of appeal as required under the judicial review chapter of the tax code. The code requires that a taxpayer file a notice of appeal within 15 days and a petition for review with the district court within 45 days after receiving a notice from the appraisal review board or other taxing unit.

GOVERNOR'S  
REASON  
FOR VETO:

The governor said HB 1814 would extend the time a property owner has to give a notice of appeal. An extension of time would disrupt the budgetary process of school districts and inhibit the negotiation of a compromised value of the property in dispute by the property owner and the appraisal district. In addition, passage of SB 751, which provides for notifying property owners of their right to appeal, renders HB 1814 unnecessary.

SPONSOR'S  
VIEW:

SB 751 does in fact require a notice informing the property owner of the right to appeal and the procedure prescribed by the Tax Code, said Rep. Paul Hilbert. However, that bill does not relieve the taxpayer of the double statutes of limitation, that is, the 15-day notice of appeal and the 45-day petition for review filing requirements. HB 1814 would have clarified the Tax Code so that there would be only one statute of limitation in a property tax lawsuit.

Courts interpret the law so that a taxpayer must file a notice of appeal within 15 days after learning that the appraisal review board ruled against the taxpayer, who then must also file a lawsuit within 45 days from that date. This strict interpretation subjects even timely filed lawsuits to dismissal if taxpayers, many of whom are not represented by an attorney, either filed the notice of appeal after the 15 day deadline or filed it with the wrong governing body. HB 1814 would have alleviated the burden the courts have imposed on the taxpayer with such a short statute of limitations.

HB 1814 is pro-taxpayer legislation that would ensure that the property owner has access to the courts when

that owner's property has been excessively or unlawfully assessed, said Rep. Hilbert. The bill should not have been vetoed.

NOTES:

HB 1814 passed the House on the Consent Calendar and was not analyzed in a Daily Floor Report.